

**APPROVED AS APPROVED BY BOARD OF SELECTMEN**

**TOWN OF DARIEN  
BOARD OF SELECTMEN  
SPECIAL MEETING  
THURSDAY, MAY 26, 2005**

**ATTENDANCE:** 1<sup>st</sup> Selectwoman Evonne Klein; Joseph Miceli; Linda Santarella;  
Robert Harrel; Barbara Thorne

**STAFF:** John Crary, Administrative Officer

**OTHER:** Wayne Fox

**CALL TO ORDER**

1<sup>st</sup> Selectwoman Klein called the meeting to order.

**1<sup>ST</sup> SELECTWOMAN'S REPORT**

1<sup>st</sup> Selectwoman Klein gave her report. She said at last night's CERT training course held in New Canaan, Darien had 6 members graduate. She said they expect more people in the community will be interested in becoming CERT volunteers. At the monthly Emergency Management Meeting held today, they discussed the training of Town Hall employees as well as teachers and administrators. By having CERT volunteers, the Town also qualifies for more FEMA funding for other emergency situations.

1<sup>st</sup> Selectwoman Klein said the grant for the Access and Circulation Study of Route 1 has been approved. It was applied for back in August. The town will receive \$160,000 from the Federal Government and \$40,000 from State funds. She said that they worked very hard with SWRPA to get the whole study funded. Originally some of the funding would have had to come from the Town. She thanked SWRPA and Jeremy Ginsberg for their hard work. SWRPA will administer the program.

The Darien Revitalization group has applied for and has been awarded the 1<sup>st</sup> County Bank grant. The bank will announce the dollar amount.

Darien has been accepted into the Main Street Program. There are some misconceptions about what the program costs. The interesting part of the program is that it's based in the National Historic Trust, which enables Darien to maintain it's character and integrity.

The Hart vs. Windell case has been dismissed.

The Procaccini property has been sold to a developer for \$11 million, and it will be an age-restricted housing development.

The Talmadge Hill Preservation Society will continue to follow the bus depot issue. The Town Council will be discussing this issue on June 8 at 7:30 p.m. at New Canaan Town Hall. They will be looking at 37 potential sites.

Future items that are outstanding are:

Medical Insurance for Firefighters. 1<sup>st</sup> Selectwoman Klein said that this needs to be resolved as soon as possible. She is in support of it, and she will put it on the agenda for the next meeting or two.

Tax Relief for the Elderly. 1<sup>st</sup> Selectwoman Klein said that they should hold information sessions. Tony Homicki needs to be involved. This message needs to be broadcast more clearly, even though it is sometimes discussed at the Senior Center.

Noise Ordinance. This is currently held up. The shoveling ordinance should be put in place before the winter.

Ms. Santarella mentioned that the reason they didn't continue with the medical insurance for the firefighters was they were waiting for some answers from the firefighters and the ambulance personnel as well as the Town Counsel.

1<sup>st</sup> Selectwoman Klein said that she would like to present the Volunteer of the Year Award to Griffin Bealle, the Darien High School student who has been running the Shoveling for Seniors program for a few years. This would take place on June 6 during the Board of Selectmen's next meeting. She asked the newspaper reporter not to mention anything about it.

1<sup>st</sup> Selectwoman Klein listed the dates for the future meetings. They are Monday, June 6 at 5:30 p.m., and Monday, June 20 at 7:30 p.m. She asked the board members for their vacation schedules. Ms. Thorne said she wouldn't be at the June 20 meeting, and she will probably be away the first week of July. Mr. Harrel said that he will be away from July 27 to August 10.

### **ADMINISTRATIVE OFFICER'S REPORT**

Mr. Crary mentioned that Mr. Hovell from the Board of Finance sent an email to the Board of Selectmen and town administration requesting them to restrict discretionary spending during the next 4 ½ weeks of the remaining fiscal year. Mr. Crary will send an email to all the department heads tomorrow to review their remaining balances and comply with Mr. Hovell's request.

Mr. Crary said the town's finances are doing very well, and they will end the fiscal year with a positive balance on the Board of Selectmen's side. The appropriation is \$800,000 and won't be needed to balance anything out. It will be returned to the fund balance. The fund balance will end with a positive amount, in the vicinity of \$7.5M.

Mr. Crary said that the Grove Street Plaza recently opened. A portion of the sidewalk is being replaced on the Post Road as part of the agreement with the adjoining property owners. The Dolcetti's, the owners of the adjacent Dolman property on Grove Street, have approached the Town to repair their sidewalk and would be willing to share 1/3 of the cost. The total cost would be \$30,000, of which the Town share would be \$20,000, and the Dolman share would be \$10,000.

### **NEW BUSINESS**

- a) Discuss and Take Action on request from OPUS to hold a "Big Rig Gig" at Town Hall on Sunday, October 2, 2005.

**\*\* DR. MICELI MOVED TO APPROVE REQUEST FROM OPUS FOR A "BIG RIG GIG" AT TOWN HALL ON SUNDAY, OCTOBER 2, 2005.**

**\*\* MS. THORNE SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

- b) Discuss and Take Action on request from Chamber of Commerce to permit pony rides at the Weed Beach Scholarship Picnic

**\*\* MR. HARREL MOVED TO APPROVE CHAMBER OF COMMERCE REQUEST TO PERMIT PONY RIDES AT THE WEED BEACH-SCHOLARSHIP PICNIC.**

**\*\* DR. MICELI SECONDED.**

Mr. Harrel wanted Mr. Crary to ensure that the person responsible for the pony rides has a certificate indemnifying the Town.

**\*\* MOTION PASSED UNANIMOUSLY.**

- c) Appoint members to the Senior Center Task Force

1<sup>st</sup> Selectwoman Klein said that the following people have all agreed to be on the Senior Center Task Force: Nancy Zengo, Jennifer Geddes, Holly Hawes, Mary Giarratana, Linda Santarella, Paul Hendrickson, Donna Berizzi, James Baker, and Linda Goodyear. They will receive a letter thanking them for agreeing to be on the Task Force, and they will receive a copy of the Senior Center Task Force Charge and the Senior Center Condition Report. She would like to have a meeting with the Task Force, and any members of the Board of Selectmen if they would like, either at Town Hall or the Senior Center.

**\*\* MS. THORNE MOVED TO APPROVE APPOINTMENT OF THE FOLLOWING MEMBERS TO THE SENIOR CENTER TASK FORCE: NANCY ZENGO, JENNIFER GEDDES, HOLLY HAWES, MARY GIARRATANA, LINDA SANTARELLA, PAUL HENDRICKSON, DONNA BERIZZI, JAMES BAKER, AND LINDA GOODYEAR.**

Ms. Santarella mentioned that excited about the new Task Force and the diversity of the group.

**\*\* MOTION PASSED UNANIMOUSLY.**

- d) Discuss and Take Action on amended lease agreement with the State DOT for the Darien and Noroton Heights Railroad Stations.

1<sup>st</sup> Selectwoman Klein said that Mr. Hovell from the Board of Finance spoke with the DOT on Friday regarding some concerns and clarification issues. They have been worked out and put in writing. (Attachment 4.d)

There was discussion surrounding the amended lease agreement with regard to obligations, responsibilities, and projects getting done within budget. The Operating Fund and Capital Improvement Fund issue was discussed. All money will go to the Operating Fund, and the surplus will be appropriated out into the Capital Improvement Fund. The Capital Improvement Fund is being established separately so that whatever needs to be repaired at the train station can be paid for out of that fund. It is clear that the 2<sup>nd</sup> Party (1<sup>st</sup> Selectwomen Klein) is not obligated to go into debt to get work done. If the nature of the repair is structural, the DOT will cover it. If the nature of the repair is maintenance, the Town will cover it. The Noroton Heights station is still rated a 2. The Darien station was rated a 3, based on the condition of the parking lot. The elevator, lighting, the gutters, and the electrical are things the Town is still working on. There are no major repairs in the future. The sidewalks on the Hollow Tree Ridge Road side will have to be replaced, but it might not be done until next year.

1<sup>st</sup> Selectwomen Klein felt that this lease was the best it was going to be. Dr. Miceli asked Mr. Fox if he thought the Town was adequately protected from debt regarding the responsibilities and obligations outlined for both parties in the amended lease. Mr. Fox said that he was comfortable with the amended lease. Mr. Crary said that the people involved with this on the DOT side are temporary, and a new group will be coming in. It took over a year to get the lease amendment done. 1<sup>st</sup> Selectwomen Klein said that it appears this is the direction the State is taking, according to other municipalities she has spoken to. The lease is identical to Greenwich in terms of responsibility, except for the Board of Finance statement. Mr. Crary addressed some questions for Ms. Schneider from the audience. He said that the State always has the right, as does the Town, to cancel the lease. He agreed with Ms. Santarella that the State has the capability to take over the train stations. A large number of Darien residents utilize both train stations, and the Town is very interested in maintaining them for those people. 1<sup>st</sup> Selectwomen Klein said that without the \$100,000, the Town still makes money on the train stations. There are surplus funds that can be put in the Capital Improvement fund. Mr. Crary said that most of the maintenance and repair work will be subcontracted out. The snowplowing has been completely subcontracted out, which leaves the Town employees to do the Town roads as well as sidewalks.

1<sup>st</sup> Selectwomen Klein again summarized the issue of the amended lease agreement by saying that it is very beneficial for the Town. It is identical to Greenwich, and it is similar to Westport and other neighboring communities that are not owned and operated by the DOT.

**\*\* MS. SANTORELLA MOVED TO APPROVE THE AMENDED LEASE AGREEMENT WITH THE STATE DOT FOR THE DARIEN AND NOROTON HEIGHTS RAILROAD STATIONS.**

**\*\* MS. THORNE SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

- e) Discuss and Take Action on outdoor dining at 980 Boston Post Road (Baywater Properties – Cosi, Inc.) and Upper Crust Bagels.

Mr. David Genovese of Baywater Properties gave a brief presentation on the proposal to have six 2-person tables in front of the two storefronts at 980 Boston Post Road, on the Boston Post Road side of the building.

**\*\* MS. SANTARELLA MOVED TO APPROVE OUTDOOR DINING AT 980 BOSTON POST ROAD (BAYWATER PROPERTIES – COSI, INC.) AND UPPER CRUST BAGELS.**

**\*\* DR. MICELI SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

The Board of Selectmen felt this was a great way for people to enjoy downtown. It was their hope that more downtown eateries would apply for outdoor dining. Mr. Genovese was unsure about the liquor license at the new restaurant (Cosi), but he said that beer and wine will be sold. 1<sup>st</sup> Selectwomen Klein suggested to Mr. Genovese that he call the Planning & Zoning Department to get on their agenda right away.

- f) Discuss Casey Field Renovation

Mr. Crary said that Ms. Swiatek has spoken with Paul Engemann about the Holmes project to get his numbers that were an estimate at that time. Mr. Engemann wasn't sure if the scope of the projects was the same, and he said that it could be as high as 10% more. Ms. Swiatek did her own estimate, which was about \$100,000. The Board of Finance said they would fund about \$60,000. The project is out to bid now. It included sod, laser grade, irrigation systems, and running electricity. 1<sup>st</sup> Selectwomen Klein said that there were concerns about the money. The money trail has been clarified from the Board of Finance minutes, and it was reviewed by the Board of Selectmen. The account was reduced by \$235,000, and the \$60,000 resulted from a consolidation of accounts.

- g) Discuss and Take Action on Charter Revision Charge

1<sup>st</sup> Selectwomen Klein said that they would like to open the search again. They have 30 days, until June 26, to look for more members. Ms. Thorne said that the candidates that came forward to be interviewed for the Charter looked promising, and they are looking for a few more people to balance it out. The minority/majority representation needs to be looked at.

- \*\* MS. SANTARELLA MOVED TO APPROVE THE CHARTER REVISION CHARGE.**
- \*\* MS. THORNE SECONDED.**
- \*\* MOTION PASSED UNANIMOUSLY.**

Ms. Santarella suggested that another ad be placed in the newspaper. 1<sup>st</sup> Selectwomen Klein said that people who have already applied and interviewed may not do so again.

h) Discuss and Take Action on Electric Consortium

Mr. Crary said that this is an interesting project spearheaded by the Board of Educations in the area. They have a consortium to go out on the market and buy electricity for their needs. They recently opened it to the towns in the area. They would like to get commitments from the towns to buy electricity at a fixed rate for a five-year period. It is difficult for Darien to estimate how much electricity they will need for certain buildings. Mr. Crary said that the fixed rate on a kilowatt hour is higher than what they pay CL&P now. CL&P's rates are due to increase twice over the next few months. 1<sup>st</sup> Selectwomen Klein said that this is the Whitecap issue, and Attorney General Blumenthal recently lost the lawsuit on this. More information is needed on this in order to make a decision. It was decided to put this on the agenda for the June 6 meeting.

i) Transfers:

**Police Department**

Several of the plastic-based exterior window panes on the second floor of Police Headquarters have degraded, for reasons unknown, to a degree where they are no longer transparent, but opaque.

The windows were installed as part of the Police Headquarters renovation that took place in the 1980's. Examination of the windows was conducted by two separate window contractors; both concluded that the panes could not be repaired but would have to be replaced. Replacement can be done within the existing frames. The replacement panes would be a standard commercial grade window of glass construction similar to these found elsewhere within headquarters. The affected windows are found in the Chief's office, Staff Captain's office, Detective Lieutenant's office, and the Detective Bureau.

Funds existing within the Facility-Repair & Maintenance account are insufficient to make the window repairs and provide funds for other repairs likely to be needed elsewhere in the

building prior to the end of the fiscal year. The Professional Services from which the funds are being requested presently has a balance in excess of anticipated need.

The \$1,360 amount is based on a quote from a glass contractor presently providing glass services to the town. There are digital images of a representative window illustrating the problem attached to this memo.

**RESOLVED:**

That the following transfer of appropriations is approved for referral to the Board of Finance:

**From:**

**To:**

Acct. No.	Account	Amount	Acct No.	Account	Amount
10302283 82007	Prof. Svcs	\$1,360	10302323 82041	Station Oper./ Repair & Maint.	\$1,360
	Total	<b>\$1,360</b>		Total	<b>\$1,360</b>

**\*\* DR. MICELI MOVED TO APPROVE TRANSFER OF APPROPRIATIONS, \$1,360 FROM PROF SVCS TO STATION OPER/REPAIR & MAINTENANCE, FOR REFERRAL TO THE BOARD OF FINANCE.**

**\*\* MS. THORNE SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

**Police Department**

The Fleet Services-Motor Fuel & Lubricants account is presently showing a balance that will likely be insufficient to carry us through the balance of the fiscal year. This account not only funds fuel purchases for the Police Department, but other Town vehicles as well, with those other agencies providing reimbursement for fuel used.

The Traffic-Professional Services account presently maintains a balance in excess of anticipated need and the requested transfer will allow for an adequate balance in the Motor Fuel and Lubricants account.

**RESOLVED:**

That the following transfer of appropriations is approved for referral to the Board of Finance:

**From:**

**To:**

Acct. No.	Account	Amount	Acct No.	Account	Amount
10302283 82007	Traffic- Prof Serv.	\$2,500	10302313 83004	Fleet Svcs-/ Motor Fuel & Lube	\$2,500

Total                    **\$2,500**

Total                    **\$2,500**

- \*\* MS. SANTORELLA MOVED TO APPROVE TRANSFER OF APPROPRIATIONS, \$2,500 FROM TRAFFIC-PROF SVCS TO FLEET SVCS-MOTOR FUEL & LUBE, FOR REFERRAL TO THE BOARD OF FINANCE.**
- \*\* MS. THORNE SECONDED.**
- \*\* MOTION PASSED UNANIMOUSLY.**

### **PUBLIC COMMENT**

None.

### **APPOINTMENTS/REAPPOINTMENTS**

- a) Jennifer Robinson to the Board of Directors of SWRCC (Southwestern Regional Communication Center) commonly referred to as C-MED (Central Medical Emergency Dispatch) for the term beginning on May 1, 2005 and ending on April 30, 2006.
- \*\* DR. MICELI MOVED TO APPROVE THE APPOINTMENT OF JENNIFER ROBINSON TO THE BOARD OF DIRECTORS OF SWRCC (SOUTHWESTERN REGIONAL COMMUNICATION CENTER) COMMONLY REFERED TO AS C-MED (CENTRAL MEDICAL EMERGENCY DISPATCH) FOR THE TERM BEGINNING ON MAY 1, 2005 AND ENDING ON APRIL 30, 2006.**
- \*\* MOTION PASSED UNANIMOUSLY.**
- b) Zoning Board of Appeals – Victor Capellupo (R) for the term beginning on 7/1/04 and expiring on 6/30/07.

No motion.

### **FORTHCOMING MEETINGS**

- a) June 6, 2005            Board of Selectmen meeting at 5:30 p.m.
- b) June 7, 2005            Planning & Zoning Planning meeting at 8:00 p.m.
- c) June 13, 2005          Special RTM meeting at 8:15 p.m.
- d) June 14, 2005          Board of Education meeting at 7:30 p.m.
- e) June 14, 2005          Planning & Zoning General meeting at 7:30 p.m.
- f) June 15, 2005          Parks & Recreation meeting at 7:30 p.m.
- g) June 20, 2005          Board of Selectmen meeting at 7:30 p.m.
- h) June 21, 2005          Board of Finance meeting at 7:45 p.m.

### **OTHER BUSINESS**



(this being a special meeting, no items may be added to the agenda)

None.

**\*\* 1<sup>ST</sup> SELECTWOMEN KLEIN MOVED TO ADJOURN.**  
**\*\* MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 7:15 p.m.

Respectfully submitted,

Carolyn Marr  
Telesco Secretarial Services